

1 LAURA VARTAIN (SBN: 258485)

2 laura.vartain@kirkland.com

3 **KIRKLAND & ELLIS LLP**

555 California Street, 30th Floor

San Francisco, CA 94104

Telephone: (415) 439-1625

5 ALLISON M. BROWN (*Pro Hac Vice* admitted)

allison.brown@kirkland.com

6 JESSICA DAVIDSON (*Pro Hac Vice* admitted)

jessica.davidson@kirkland.com

7 **KIRKLAND & ELLIS LLP**

601 Lexington Avenue

New York, NY 10022

Telephone: (212) 446-4723

10 Attorneys for Defendants

11 UBER TECHNOLOGIES, INC., RASIER, LLC, and

12 RASIER-CA, LLC

*[Additional Counsel Listed on Following Pages]*

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN FRANCISCO DIVISION**

17 IN RE: UBER TECHNOLOGIES, INC.,  
18 PASSENGER SEXUAL ASSAULT  
19 LITIGATION,

20 This Document Relates to:

21 *A.R. v. Uber Technologies, Inc., et al.*, No.  
22 24-cv-01827

23 *D.J. v. Uber Technologies, Inc., et al.*, No.  
24 3:24-cv-07228

25 *A.G. v. Uber Technologies, Inc., et al.*, No.  
26 3:24-cv-01915

27 *A.R. v. Uber Technologies, Inc., et al.*, No.  
28 3:24-cv-07821

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER  
TECHNOLOGIES, INC., RASIER,  
LLC, AND RASIER-CA, LLC'S  
ADMINISTRATIVE MOTION TO  
SEAL DOCUMENTS ATTACHED AS  
EXHIBITS TO MOTION TO  
TRANSFER**

Judge: Hon. Charles R. Breyer  
Courtroom: Courtroom 6 – 17th Floor

1 *B.L. v. Uber Technologies, Inc., et al.*, No.  
2 3:24-cv-7940

3 *C.L. v. Uber Technologies, Inc., et al.*, No.  
4 3:23-cv-04972

5 *J.E. v. Uber Technologies, Inc., et al.*, No.  
6 3:24-cv-03335

7 *Jane Doe QLF 0001 v. Uber Technologies,*  
8 *Inc., et al.*, No. 3:24-cv-08387-CRB

9 *Jaylynn Dean v. Uber Technologies, Inc., et al.*,  
10 No. 3:23-cv-06708

11 *K.E. v. Uber Technologies, Inc., et al.*, No.  
12 3:24-cv-05281-CRB

13 *Amanda Lazio v. Uber Technologies, Inc.*, No.  
14 3:24-cv-08937-CRB

15 *LCHB128 v. Uber Technologies, Inc., et al.*,  
16 No. 3:24-cv-7019

17 *T.L. v. Uber Technologies, Inc., et al.*, No.  
18 3:24-cv-9217

19 *WHB 318 v. Uber Technologies, Inc.*, No.  
20 3:24-cv-04889

21 *WHB 407 v. Uber Technologies, Inc., et al.*,  
22 No. 3:24-cv-05028

23 *WHB 832 v. Uber Technologies, Inc.*, No.  
24 3:24-cv-4900

25 *WHB 1486 v. Uber Technologies, Inc., et al.*,  
26 No. 3:24-cv-04803

27 *WHB 1876 v. Uber Technologies, Inc., et al.*,  
28 No. 3:24-cv-05230

*WHB 1898 v. Uber Technologies, Inc., et al.*,  
No. 3:24-cv-05027

*Jane Roe CL 68 v. Uber Technologies Inc., et*  
*al.*, No. 3:24-cv-06669

1 SABRINA H. STRONG (SBN: 200292)

2 sstrong@omm.com

3 JONATHAN SCHNELLER (SBN: 291288)

4 jschneller@omm.com

5 **O'MELVENY & MYERS LLP**

6 400 South Hope Street, 19th Floor

7 Los Angeles, CA 90071

8 Telephone: (213) 430-6000

9 Facsimile: (213) 430-6407

10 PATRICK L. OOT, JR. (*Pro Hac Vice* admitted)

11 oot@shb.com

12 **SHOOK, HARDY & BACON, LLP**

13 1800 K Street NW, 10th Floor

14 Washington, DC 20006

15 Telephone: (202) 783-8400

16 Facsimile: (202) 783-4211

17 ALYCIA A. DEGEN (SBN: 211350)

18 adegan@shb.com

19 MICHAEL B. SHORTNACY (SBN: 277035)

20 mshortnacy@shb.com

21 **SHOOK, HARDY & BACON, LLP**

22 2121 Avenue of the Stars, Suite 1400

23 Los Angeles, CA 90067

24 Telephone: (424) 285-8330

25 Facsimile: (424) 204-9093

26 CHRISTOPHER V. COTTON (*Pro Hac Vice* admitted)

27 ccotton@shb.com

28 **SHOOK, HARDY & BACON, LLP**

255 Grand Boulevard

Kansas City, MO 64108

Telephone: (816) 474-6550

Facsimile: (816) 421-5547

**DEFENDANTS' STATEMENT IN SUPPORT OF SEALING****CONFIDENTIAL MATERIALS**

Pursuant to Civil Local Rules 79-5(c) and (f)(3), Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively "Defendants" or "Uber"), respectfully submit this Administrative Motion to Seal Documents Attached as Exhibits to Motion to Transfer, contemporaneously filed with this motion on May 16, 2025 ("Defendants' Motion").

**I. BACKGROUND AND REQUESTED SEALING**

Defendants' Motion concerns Exhibits E-G and I-Q attached to the Motion to Transfer.<sup>1</sup> Defendants seek only to redact Plaintiffs' names from Checkbox Consent History exhibits for Plaintiffs who have filed anonymously pursuant to the Court's order finding that "the plaintiffs' need to proceed anonymously outweighs the prejudice to the defendants and the public's interest in knowing the parties' identities" and permitting anonymous filings. ECF 147, 174. Plaintiffs support this motion to seal Plaintiffs' names in these exhibits.

Document	Description	Designating Party
Exhibit E: Checkbox Consent History (WHBE 1486)	Redaction of Plaintiff's name	Uber
Exhibit F: Checkbox Consent History (WHB 1876)	Redaction of Plaintiff's name	Uber
Exhibit G: Checkbox Consent History (LCHB128)	Redaction of Plaintiff's name	Uber
Exhibit I: Checkbox Consent History (C.L.)	Redaction of Plaintiff's name	Uber
Exhibit J: Checkbox Consent History (A.G.)	Redaction of Plaintiff's name	Uber
Exhibit K: Checkbox Consent History (WHB 1898)	Redaction of Plaintiff's name	Uber
Exhibit L: Checkbox Consent History (A.R.)	Redaction of Plaintiff's name	Uber

<sup>1</sup> Exhibit H is the Checkbox Consent History that was created for Plaintiff Jaylynn Dean, who has chosen not to proceed anonymously. Defendants are not seeking to redact her name.

1	Exhibit M: Checkbox Consent History (T.L.)	Redaction of Plaintiff's name	Uber
2			
3	Exhibit N: Checkbox Consent History (WHB 407)	Redaction of Plaintiff's name	Uber
4	Exhibit O: Checkbox Consent History (WHB 318)	Redaction of Plaintiff's name	Uber
5			
6	Exhibit P: Checkbox Consent History (WHB 832)	Redaction of Plaintiff's name	Uber
7	Exhibit Q: Checkbox Consent History (J.E.)	Redaction of Plaintiff's name	Uber
8			

9 The Plaintiffs' names in Exhibits E-G and I-Q which are attached to Defendants' Motion to  
10 Transfer Venue should be maintained under seal for the same reasons that the Court previously  
11 found when it ordered that Plaintiffs may maintain their anonymity. [ECF 147, 174]. The Court has  
12 ruled that Plaintiffs have a privacy interest in maintaining anonymity in this suit, and there is no  
13 prejudice to the Plaintiffs or Defendants since they are already aware of the identities of the  
14 Plaintiffs. Defendants therefore submit this statement requesting that the Court seal under Local  
15 Rule 79-5(f)(3) for the reasons set forth below.

## 16 **II. LEGAL STANDARD**

17 Courts ruling on a request to seal information or documents must "conscientiously balance[]"  
18 the competing interests of the public and the party who seeks to keep certain judicial records secret."  
19 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). The presumption  
20 of public access is overcome where documents or information are the type "traditionally kept  
21 secret," *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), such as  
22 "sources of business information that might harm a litigant's competitive standing." *Ctr. for Auto*  
23 *Safety*, 809 F.3d at 1097 (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)).

24 Where the information or document to be sealed "is more than tangentially related to the  
25 underlying cause of action," courts apply the "compelling reasons" standard, and otherwise apply  
26 the lower "good cause" standard of Rule 26(c) in contexts where "[t]here is no tradition of public  
27 access" and "the public is not presumed to have a right of access to it." *Ctr. for Auto Safety*, 809  
28 F.3d at 1097-99 (quoting *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 13 (1st Cir.1986) and *Seattle Times*

1 *Co. v. Rhinehart*, 467 U.S. 20, 33 (1984)). Ultimately, “[w]hat constitutes a ‘compelling reason’ is  
2 ‘best left to the sound discretion of the trial court.’” *Id.* at 1097.

3 Regardless of which standard applies here, a party may preserve his or her anonymity in a  
4 case “in special circumstances when the party’s need for anonymity outweighs prejudice to the  
5 opposing party and the public’s interest in knowing the party’s identity” *Doe v. Revature, LLC*,  
6 2022 WL 7631541, \*2 (W.D. Wash. Oct. 13, 2022)—precisely the finding this Court has already  
7 made in allowing Plaintiffs to proceed anonymously [ECF 147, 174]. Courts will find that filing  
8 anonymously will not prejudice a defendant where a defendant already knows the identity of a  
9 plaintiff. *Doe v. Lee*, 2014 WL 630936, \*2 (N.D. Cal. Feb. 18, 2014) (finding no prejudice where  
10 plaintiff initially filed her complaint under her true name in the public record and served the  
11 defendant with a copy of it, so he already knew her identity).

12 Courts often find “compelling reasons” exist to seal the names of plaintiffs in a court action  
13 where there is a strong privacy interest in protecting their identities. *F.R. by and through Litem v.*  
14 *Santa Clara Unified Sch. Dist.*, 2024 WL 3696482, \*3 (N.D. Cal. Aug. 6, 2024) (sealing minor  
15 Plaintiff’s name under compelling reasons standard); *Meyers v. Kaiser Foundation Health Plan,*  
16 *Inc.*, 2019 WL 120657, \*2 (N.D. Cal. Jan. 6, 2019) (sealing parties’ filings that included name of  
17 Plaintiff’s minor daughter). In addition, courts in this Circuit “routinely seal ... personal identifying  
18 information under the [more stringent] compelling reasons standard due to the potential privacy  
19 harm to the individual whose contact information may be exposed.” *Jones v. PGA Tour, Inc.*, 2023  
20 WL 7434197, at \*2 (N.D. Cal. Oct. 5, 2023).

### 21 **III. PLAINTIFFS’ NAMES SHOULD BE KEPT UNDER SEAL**

22 The redacted exhibits at issue are Checkbox Consent Histories, which are Uber documents  
23 documenting each Plaintiff’s electronic consent to the terms of service. Defendants seek to redact  
24 only Plaintiffs’ names in Exhibits E-G and I-Q, given their decision to proceed anonymously in this  
25 litigation. This Court has already ordered that Plaintiffs may proceed anonymously because their  
26 need to do so outweighs any prejudice to the defendants and the public’s interest in knowing the  
27 parties’ identities. [ECF 147, 174]. For the same reasoning, Defendants (with Plaintiffs’ support)  
28 request that this Court allow Defendants’ to redact Plaintiffs’ names in Exhibits E-G and I-Q.

1  
2 **A. There Are Compelling Reasons To Redact Plaintiffs' Names**

3 The redactions to Exhibits E-G and I-Q are very narrow and are confined only to the names  
4 of the Plaintiffs.

5 Given the very limited legitimate public interest in disclosure of the names of the Plaintiffs  
6 in this case, these redactions should be maintained under seal under the “compelling reasons”  
7 standard. *See, e.g., Revature*, 2022 WL 7631541, at \*2; *Lee*, 2014 WL 630936, at \*2. Without these  
8 redactions, the Court’s orders allowing these Plaintiffs to proceed anonymously [ECF 147, 174]  
9 would be rendered a nullity. Even aside from these orders, publicly disclosing Plaintiffs’ names  
10 would allow their identities to be connected with every publicly available document regarding their  
11 case and this litigation. *See F.R. by and through Litem*, 2024 WL 3696482, \*3; *Meyers*, 2019 WL  
12 120657, \*2.

13 **B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

14 No less restrictive alternative to sealing the documents at issue is sufficient. The redactions  
15 to the Exhibits have already been very narrowly tailored so as to redact only the Plaintiffs’ names,  
16 and neither party seeks to redact the exhibits in full. Actions short of sealing these portions of the  
17 Exhibits would not adequately protect Plaintiffs’ privacy interests.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IV. CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court order that the unredacted Exhibits in support of the Motion to Transfer be maintained under seal.

Dated: May 16, 2025

**O'MELVENY AND MYERS LLP**

By: /s/ Sabrina H. Strong

**KIRKLAND & ELLIS LLP**

LAURA VARTAIN

ALLISON M. BROWN

JESSICA DAVIDSON

**O'MELVENY AND MYERS LLP**

SABRINA H. STRONG

JONATHAN SCHNELLER

**SHOOK, HARDY & BACON, LLP**

PATRICK L. OOT, JR.

ALYCIA A. DEGEN

MICHAEL B. SHORTNACY

CHRISTOPHER V. COTTON

*Counsel for Defendants*